

REMARKS

In further support of the claims presented, Applicants submit the following remarks.

I. Status of Claims

Claims 1–20 were originally presented for examination. In a correspondence dated February 12, 2003, Applicant was required by the Office objected to respond to a restriction requirement and elect claims to proceed with for examination. As a result of Applicant's reply, Claims 3-5, 7, 19 and 20 were withdrawn from consideration and claims 1-2, 6, 8-18 were elected for examination.

In a communication 7/9/2003, the Office rejects Claim 1, 2, 6, and 8-18 under 35 U.S.C. §102(b) as being anticipated by Rinkewich (US 4,432,591), Claim 1, 2, 6 and 8-17 under 35 U.S.C. §102(e) as being anticipated by Leess (US 6,318,579), and Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Rinkewich.

Applicant respectfully requests reconsideration of her claims.

II. Claim Rejections Under 35 U.S.C. §102(b)

Claims 1, 2, 6 and 8-10, 12 and 15-17 stand rejected under 35 U.S.C. §102(b) as being as being anticipated by Rinkewich (US 4,432,591). Rinkewich is cited for teaching structural aspects of Applicant's invention. Applicant respectfully traverses the rejection.

Rinkewich does not teach a "utility basket." Rinkewich discloses a transport cart, which happens to be equipped with improved security so that valuables can be contained and transported. Rinkewich's device would not be used to transport feed or trash, for example, because the door described therein opens in an upward fashion. Trash, feed, laundry, or any other material that can be contained and transported in Applicant's utility cart could not likewise be transported in the cart described in the Rinkewich patent. Therefore, Rinkewich is directed to a completely different use, is configured differently.

Applicant recognizes that it was not made clear in her claims that the door in here invention is opened by sliding it downward, and is closed by pulling it upward within the front wall. Independent claims 1 and 15, and now new claim 21 provides language that more clearly distinguishes here invention over the Rinkewich et al patent.

Applicant, therefore, respectfully requests reconsideration of the rejected claims.

III. Claim Rejections Under 35 U.S.C. §102(e)

Claims 1, 2, 6 and 8-17 stand rejected under 35 U.S.C. § 102(b) as being as being anticipated by Leess (US 6,318,579). Leess is cited for teaching structural aspects of Applicant's invention. Applicant respectfully traverses the rejection.

The Leess patent discloses a trash can. Applicant discloses a utility basket that can also be used as a trash can. The sliding door described in Leess rides in track facing inwardly on sides of the trash can body from an open position along a back wall of the trash can to a closed position that causes the lid to cover and close the open top of the trash can. By contrast to Leess, Applicant describes a door located in the front panel of a utility basket that can be opened by moving the door downward into a stowed position located at the bottom of the basket. Applicant's configuration allows for ease in loading the utility basket from its front wall as opposed to loading at the top of a container, which is the only configuration taught by Leess.

Applicant recognizes that it was not made clear in her claims that the door in here invention is opened by sliding it downward, and is closed by pulling it upward within the front wall. Independent claims 1 and 15, and now new claim 21 provides language that more clearly distinguishes here invention over the Leess patent.

Applicant, therefore, respectfully requests reconsideration of the rejected claims.

IV. Rejection Under 35 U.S.C. §103(a)

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rinkewich. Claim 13 depends on Claim 1, which has been amended and is believed to overcome the prior art. Therefore Claim 13 stands or falls based on its direct dependency on independent Claim 1. Applicant believes that Claim 13 is now patentable in light of the distinction provided above regarding Rickewich et al and Leess patents. Therefore the rejection is respectfully traversed and applicant request reconsideration of claim 13.

v. Conclusion

In view of the foregoing discussion, Applicants have responded to each and every objection and rejection of the Official Office Action. Applicant has clarified the structural distinctions of the present invention by amending the Specification and the Claims. No new subject matter has been introduced as a result of this amendment. Applicant respectfully submits that the foregoing discussion does not present new issues for consideration and that no new search is necessitated.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections to her claims under 35 U.S.C. § 112, 35 U.S.C. § 102(b) and (e), and 35 U.S.C. § 103(a), and also requests early issuance of the present application. The Examiner is encouraged to contact the Applicant's representative during prosecution of the application regarding the submitted amendments and remarks, and especially before issuing any Final action on the case.

Respectfully submitted October 9, 2003 on behalf the Applicant by,

Ortiz & Lopez, PLLC

Luis M. Ortiz
Attorney
Registration No. 36,230

Address:
P.O. Box 7720
Dallas, TX 75209

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rinkewich. Claim 13 depends on Claim 1, which has been amended and is believed to overcome the prior art. Therefore Claim 13 stands or falls based on its direct dependency on independent Claim 1. Applicant believes that Claim 13 is now patentable in light of the distinction provided above regarding Rinkewich et al and Leess patents. Therefore the rejection is respectfully traversed and applicant request reconsideration of claim 13.

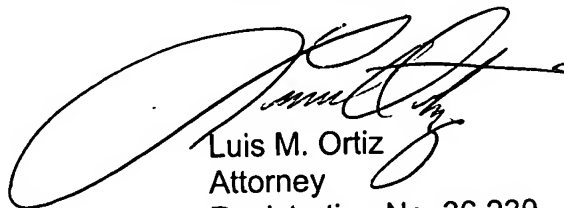
v. Conclusion

In view of the foregoing discussion, Applicants have responded to each and every objection and rejection of the Official Office Action. Applicant has clarified the structural distinctions of the present invention by amending the Specification and the Claims. No new subject matter has been introduced as a result of this amendment. Applicant respectfully submits that the foregoing discussion does not present new issues for consideration and that no new search is necessitated.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections to her claims under 35 U.S.C. § 112, 35 U.S.C. § 102(b) and (e), and 35 U.S.C. § 103(a), and also requests early issuance of the present application. The Examiner is encouraged to contact the Applicant's representative during prosecution of the application regarding the submitted amendments and remarks, and especially before issuing any Final action on the case.

Respectfully submitted October 9, 2003 on behalf the Applicant by,

Ortiz & Lopez, PLLC



Luis M. Ortiz
Attorney
Registration No. 36,230

P.O. Box 7720
Dallas, TX 75209
(214) 219-0500